

SATURDAY, January 10, 1852.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Smith—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Grimes presented the petition of Nancy Berryman; referred to the committee on Private Land Claims.

A message was received from the House, informing the Senate that the House concurred in the amendments of the Senate to the following bills, to wit:

A bill to indemnify the owners for the loss of slaves executed for capital offences;

A bill to incorporate the Sulphur Fork Bridge and Turnpike company;

A bill to incorporate the Clarksville and Red River Turnpike company; and

A bill to re-incorporate the town of Huntsville.

Also, that the House had passed a bill to incorporate Bastrop Educational Society.

Mr. Bigelow made the following report:

The select joint committee to whom was referred the report of William H. Bourland and James B. Miller, commissioners under the act of the Honorable Legislature, approved 8th February, 1850, entitled an act to provide for the investigation of land titles in certain counties therein mentioned," beg leave to submit the following report:

They have been assiduously engaged up to the present time in a careful examination of the report of said Commissioners, together with the original title papers, or their copies; also the petitions and evidence accompanying the respective claims.—These claims appear to be of various kinds, a succinct statement of the nature of which will herein be made. The committee would remark at the outset that the Commissioners do not appear to have always held their sessions together, nor always at the time prescribed by law, but they do not deem this departure from the law as important so far as the facts are concerned, as all the testimony in each case was taken before one or other Commissioner, and strictly examined by your committee. All of the lands presented, are situated in that region, which, under the government of Spain, was called the "colony of New Santander." This subsequently fell into the State of Tamaulipas, and still more recently that part which falls east of the Rio Grande, became a part of the State of Texas. The most an-

cient titles which have come under our consideration are the "porcion" grants. Several years prior to the year 1767, the colony of New Santander had been planted. At that time, the Viceroy then governing New Spain, sent to the colony two Commissioners with powers to divide the same into convenient districts or jurisdictions, to assign them limits and bounds, to cause the lands to be surveyed and apportioned, to adjudicate to each settler his porcion or headright, and generally to organize said towns and jurisdictions. In the same year the Commissioners carried their powers into effect, causing the different towns to elect, among other officers, two surveyors to act in conjunction with two others appointed on part of the Crown; and these surveyors according to instructions, immediately proceeded to survey as many porcions as there were colonists entitled to headrights. The porciones have a narrow front upon some water course and run back for quantity. They contain one league and a fraction. Upon the return of the field notes, an adjudication or assignment was made to each colonist of his particular porcion, and a decree to that effect entered upon record. A copy of the proceedings thus far was sent to the Viceroy for his approval, and in the following year (1768) he approved the same. Each colonist was then put in judicial possession of his porcion, and a decree to that effect entered upon record. No title seems ever to have been issued or deemed necessary by the Spanish or Mexican Governments or the parties. These porcions lie contiguous upon the Rio Grande and appear generally to be well populated.

Of another class of titles, are those issued by Spain upon the application of the party. These are situated back of, and on the Rio Grande, sometimes embracing a few leagues and sometimes many. The largest claim under consideration amounted to one hundred and six and one half leagues. The mode of acquiring this kind of title was in the first place by application or denouncement, whereupon the land was ordered to be and was inspected as to quality, surveyed, appraised and sold at public auction, and having regularly passed through the appropriate departments of the colony, and also of the Intendency of San Louis Potosi, and declared in due form. The Intendent of that province would issue a title to the applicant, and also a commission to some person in authority to put him in judicial possession of the same. This act of possession made the title perfect, except as to subsequent conditions. Many titles were so perfected, but others had not advanced to that state at the time of the overthrow of the dominion of Spain. Some of these,

however, were confirmed by the State of Tamaulipa, and others re-applied for under the new government. The third class of titles coming under our notice, are those issued by the State of Tamaulipas. The form and manner of proceeding to get these out, is similar to that of the foregoing class. The ownership of the soil had passed from the Crown to the State, the Governor issued the titles, and the Alcalde of that jurisdiction wherein the tract lay was invariably commissioned to put the party in judicial possession. These, like the preceding, were at the breaking out of the Texan revolution, some completed and some not. The second day of March, 1836, found some of them passed through every formula but the last of possession, while others were but begun. It is true that the parties carried their titles through the regular process in Tamaulipas.

The committee has endeavored in the foregoing, to make a concise statement and classification of all the various kinds of titles brought under its consideration. It will be perceived that these titles may be formed into two grand divisions, the perfect and the imperfect. And the imperfect class may be again into the perfectable and those not so. By perfectable, it is to be understood those "which would have been perfected undee the laws, usages and customs of the government under which they originated, had its sovereignty over the same not passed to and been vested in the Republic of Texas." In making their report, the Committee have been compelled to decide for themselves the following questions: Was there an original grant or title founded in good faith? Was it perfect, and if so, were its conditions subsequently complied with?—If imperfect, was it perfectable? Has the party claiming, continued to possess the same, except when forced to abandon for good cause? (Such as incursion of Indians, etc.) Did the applicant erect fixed improvements, such as houses or jacals, fences, etc.?

Some cases came before the committee upon which they could not decide affirmatively, according to the rules as laid down, these, the committee have passed over, not wishing to prejudice the right of any citizen before the courts of the country.

There are, also, other cases which were presented upon the merits of the title alone. Without any testimony, they appear to be genuine grants; but as they not did comply with the requisitions as laid down by the committee or the law, they too are passed without any expression of opinion. But where the committee have been able to decide each of these questions affirma-

tively, they have reported the claim favorably. Therefore, bearing in mind, the law of the 8th of February, 1850, constituting said board; endeavoring to carry it into effect in letter and spirit: believing, moreover, that the State will be doing sheer justice to thousands of her citizens, around whom, heretofore, she has been unable to cast the arm of protection, we report the accompanying bill to confirm certain titles therein set forth, and urgently recommend its passage.

Com. on part of Senate.
W. T. SCOTT,
ISRAEL B. BIGELOW.

Com. on part of House.
ROBT. S. NEIGHBORS,
H. P. BEE,
E. R. HORD,
THOS. HARRISON,
WM. C. EDWARDS,
GUY M. BRYAN.

A bill to relinquish the right of the State to certain lands therein named; read first time.

Mr. Dancy introduced a bill for the relief of James Goacher, sen'r, deceased; read first time.

Mr. Dancy introduced a bill supplementary to an act to incorporate the Texas Monumental Association; read first time.

Mr. Hill introduced a bill providing for the translation of instruments of writing in foreign languages.

On motion of Mr. Hill, the petitions of William Ford and of the heirs of James W. Taylor, were taken from the table and referred to the committee on the Judiciary.

ORDERS OF THE DAY.

A bill for the relief of William H. Parker; read, and, on motion of Mr. Gray, laid on the table.

On motion of Mr. Kinney, a bill to incorporate the Corpus Christi Navigation company, was taken from the table and placed among the orders of the day.

A message was received from the House, informing the Senate that the House had passed a bill to prevent locations in Milam's colony, in which all rules were suspended.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported the following bills and joint resolutions as correctly engrossed, to wit:

A bill providing a mode of establishing certain land certificates conditionally recommended for patent;

A bill for the relief of José Maria Mora, his heirs or assigns;

A bill to incorporate the Lake Creek Bridge and Turnpike company ;

A bill for the relief of Jim Shaw, a Delaware Indian ;

A bill declaring the San Jacinto river a navigable stream ;

A bill authorizing the county court of Limestone county to rent or lease the Springfield Bridge ;

A joint resolution requesting the Governor to solicit the President of the United States, &c. ;

And a joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence in procuring a mail route from Austin to Marshall and other points therein named.

On motion of Mr. Wilson, a bill to prevent locations in Milam's colony was taken up and read first time.

On motion of Mr. Dancy, the rule was suspended, bill read second time, and passed to third reading ; and,

On motion of Mr. Dancy, the rule was further suspended, and bill read third time and passed.

The following bills and joint resolutions were severally read third time and passed, to wit :

A bill for the relief of John B. Thacker and Michael Short ;

A bill for the relief of Julia Buchanan ;

A bill to authorize the county court of Limestone county to rent or lease the Springfield Bridge ;

A joint resolution instructing our Senators and requesting our Representatives in Congress, to use their influence in procuring a mail route from Austin to Marshall and other points therein named ;

A joint resolution requesting the Governor to solicit the President of the United States to cause the limits of the eighth military department to be so extended as to embrace the entire State of Texas ;

A bill declaring the San Jacinto river a navigable stream ;

A bill for the relief of Jim Shaw, a Delaware Indian :

A bill for the relief of José Maria Mora, his legal heirs or assigns ; and

A bill providing a mode of establishing certain land certificates conditionally recommended for patent.

On motion of Mr. Bigelow, the committee on Printing was instructed to procure the printing of two hundred copies of the report and accompanying bill of the joint committee to whom was referred the report of the commissioners, Bourland and Miller, upon the land titles west of the Nueces river.

Mr. Eddy moved that the committee on Printing be instructed

to contract for ten additional copies of the tri-weekly State Gazette, for the use of the Senate.

On motion of Mr. Wilson, the motion was amended by striking out "ten," and inserting "five of the Gazette and five of the South-Western American."

The motion as amended was lost by the following vote :

YEAS—Messrs. Bigelow, Bogart, Davis, Doune, Eddy, Gray, Meusebach, Truit and Wilson—9.

NAYS—Messrs. Burks, Dancy, Duggan, Grimes, Hart, Hill, Merriman, Parker, Reaves, Scott and Taylor—11.

A bill to incorporate the Lake Creek Bridge and Turnpike company ; and

A bill to incorporate Galveston College, were severally read third time and passed by a constitutional majority.

Mr. Kinney, by leave, introduced a bill to incorporate the city of Corpus Christi ; read first time.

The following bills from the House were severally read first time, to wit :

A bill for the relief of the heirs of Daniel W. Cloud and Peter J. Bailey.

A bill for the relief of the heirs of Joseph Bayless, deceased ;

A bill authorizing the issuing duplicate land warrants ;

A bill for the relief of the heirs at law of William Wilkinson, deceased ;

A bill for the relief of William McFarlin ;

A bill for the relief of William Welch of Limestone county ;

A bill for the relief of Martha C. Lee ;

A bill for the relief of Joseph H. Wood ;

A bill for the relief of Benjamin Hubert ;

A bill relinquishing to the counties, the State tax for the years 1852 and 1853 ;

A bill making an appropriation to complete the General Land Office ;

A bill granting relief to pre-emptionists, &c. ;

A bill to incorporate the Clarksville and Mount Pleasant Turnpike company.

A bill to incorporate Bastrop Educational Society.

A bill to incorporate the town of Mount Vernon, in Titus county ; and

A bill to incorporate the town of Centreville in Leon county.

The resolution of the Senate requesting the committee on Finance to inquire into the necessity of the passage of a general appropriation bill at this session ; read and adopted.

The resolution of the Senate requesting the committee on the

Judiciary to examine into the propriety of fixing some uniform rate to be charged by commissioners for taking depositions, &c. ; read and adopted.

The resolution of the Senate instructing the committee on the Judiciary to inquire into the expediency of purchasing a sufficient number of law books for the use of the supreme court, &c. ; read and adopted.

A bill to allow sheriffs to charge mileage for serving and returning process in civil cases ; read second time, and, on motion of Mr. Bigelow, referred to the committee on Finance.

A bill to define the time of holding the district courts of the third and ninth judicial districts ; read second time, and, on motion of Mr. Parker, the bill was amended by striking out all that relates to Trinity county ; and, on motion of Mr. Parker, laid on the table.

A bill to amend the charter of the town of Goliad ; read second time, and, on motion of Mr. Duggan, referred to the committee on the Judiciary.

A bill to change the names of Antoinette Scott and Sidney Way ; read second time, and ordered to be engrossed.

A bill to incorporate the Texas Central Railroad company ; read second time, and made the order of the day for Tuesday, the 13th inst.

On motion of Mr. Taylor, the Senate adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

A bill making an appropriation to pay Joab B. Harrell, sheriff of Williamson county, for taking a convict to the Penitentiary ; read second time, and, on motion of Mr. Davis, referred to the committee on Finance.

A bill to authorize John Nelson, Andrew Stapp, Leroy Glement and such other persons as they may choose, to construct a bridge across the east fork of Trinity river, &c. ; read second time, and, on motion of Mr. Bogart, referred to the committee on Roads, Bridges and Ferries.

A bill providing for the payment of sheriffs for attendance on the supreme court ; read second time, and referred to the committee on Finance.

A bill to incorporate the Goliad Bridge company ; read second time, and on motion of Mr. Taylor, referred to the committee on Internal Improvements.

A bill to extend the provisions of an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20, 1848 ; read second time, and, on motion of Mr. Reaves, referred to the committee on Public Debt.

A bill to amend the seventh section of an act concerning crimes and punishments, approved March 20, 1848; read second time, and, on motion of Mr. Reaves, referred to the committee on the Judiciary.

A bill to donate a league of land to the widow and heirs of Major William S. Henry, deceased; read second time, and on motion of Mr. Hill, referred to the committee on State Affairs.

A bill to amend an act approved January 28, 1850, concerning the incorporation of the city of Nacogdoches; read second time, and, on motion of Mr. Reaves, referred to the committee on Counties and County Boundaries.

A bill to provide for the publication of an abstract of land titles; read second time, and, on motion of Mr. Eddy, referred to the committee on State Affairs.

A bill amending the estray laws; read second time, and, on motion of Mr. Eddy, referred to the committee on State Affairs.

A bill to incorporate the Aransas and Goliad Road company; read second time, and, on motion of Mr. Gray, referred to the committee on Internal Improvements.

A bill to facilitate the operations of persons engaged in the United States coast survey in the State of Texas, under proper restrictions, read second time, and, on motion of Mr. Taylor, referred to the committee on the Judiciary.

A bill to restore to former owners, lands sold for taxes, and purchased by the State; read second time, and, on motion of Mr. Hart, referred to the committee on Finance.

A bill to quiet the land titles within the limits of Peters' colony; and to provide for locating or surveying the lands and issuing the certificates and patents to which the colonists and contractors are entitled; read second time, and, on motion of Mr. Bogart, made the special order of the day for Thursday, the 15th instant; and one hundred copies was ordered to be printed.

A bill to create the county of Delta; read second time, and, on motion of Mr. Parker, referred to the committee on Counties and County Boundaries.

A bill for the relief of Sam Bogart; read second time, and, on motion of Mr. Eddy, referred to the committee on Private Land Claims.

A bill to encourage the reporting of the decisions of the supreme court; read second time, and, on motion of Mr. Gray, referred to the committee on the Judiciary.

A bill for the benefit of Thomas William Ward; read second time, and, on motion of Mr. Taylor, referred to the committee on Finance.

A bill to define the boundaries between the counties of Jasper and Newton; read second time, and, on motion of Mr. Eddy, referred to a select committee.

Messrs. Eddy, Davis, Burks, Meusebach and Truit were appointed said committee.

A bill to define the time of holding the district courts in the twelfth judicial district; read second time, and, on motion of Mr. Bigelow, referred to the committee on Judicial Districts.

A joint resolution requesting the President of the United States to demand of the government of Spain the immediate release of Mr. Thrasher; read second time, and, on motion of Mr. Grimes, referred to the committee on State Affairs.

A joint resolution providing for the removal of the remains of the late Stephen F. Austin, for interment in the State burial ground at the city of Austin;

A bill to require the counties of Kaufman, Van Zandt and Wood, to pay a portion of the old debt of Henderson county.

A bill for the relief of P. H. Pearson; and

A bill for the relief of Fredric Foy, were severally read a second time, and ordered to lie on the table.

A message was received from the House, informing the Senate that the House had passed a bill for the relief of the heirs of Stephen Prather, deceased; and a bill requiring the commissioner of the General Land Office to issue patents for four leagues of the school lands of Washington county; and were severally read first time.

The report of the committee on Education, on the petition of the President, Trustees, and the Executive committee of the Austin and Rutersville colleges, and the Trustees of the Guadalupe High School, was read and adopted.

A bill defining the boundaries of the Cooke county land district; and

A bill granting and securing six hundred and forty acres of land to the heirs of George W. Crowl, deceased, were severally read second time, and laid on the table.

The report of the committee on Internal Improvements, on the petition of Solomon Wolfe, recommending that no action be had on it, was read and adopted.

The following bills were severally read second time, and ordered to be engrossed, to wit:

A bill to create the sixth Military Division;

A bill for the relief of James Frazer;

A bill for the relief of James McWilliams;

A bill for the relief of William Guyman, deceased;

A bill supplementary to an act to regulate the pay of volunteers in the service of Texas, in the year 1842, approved December 3, 1850 ;

A bill for the relief of Jackson G. Walker ; and

A bill for the relief of Thomas P. Crosby.

A joint resolution for the relief of the company of Rangers commanded by Captain William Becknell, in the year 1837, together with the report of the committee on State Affairs, offering an amendment thereto, was read, amendment adopted, and bill passed.

A bill providing for the liquidation and payment of interest upon the home debt of the late Republic of Texas ; read second time, and, on motion of Mr. Bigelow, referred to the committee on Finance.

On motion of Mr. Bigelow, a bill for the relief of James Pratt Plummer, was taken from the table and placed among the orders of the day for Monday next.

The report of the committee on Internal Improvements on bills making appropriations for the improvement of the rivers ; read and laid on the table.

A bill to confirm the titles to land issued to colonists in Milam's colony ; read second time, and, on motion of Mr. Wilson, laid on the table.

On motion of Mr. Gray, the Senate adjourned until 10 o'clock Monday morning.

MONDAY, January 12, 1852.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Baggerly—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Grimes, chairman of the committee on Finance, to which were referred a bill to provide for the levying of a road tax for the county of Montgomery ; a bill providing for the payment of sheriffs for attendance upon the supreme court ; and a bill for the relief of Christopher Troutz ; reported the same back to the Senate, and recommended their passage.

Mr. Grimes, from the same committee, reported back a bill to restore to former owners, lands sold for taxes and purchased by the State, and recommended its passage, with the following amendment :

In section 1, line four, insert, "where the State is the purchaser."